



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

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March 19, 2010

Mr. Scott Hart
Hart and Associates

REDACTED

**Warning Letter Re: FPPC No. 080368, Voters For Responsible Government (VRG)
and Scott Hart**

Dear Mr. Hart:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to complaints filed against VRG alleging that appropriate campaign statements and reports were not filed or were incomplete; that candidates names were marked with an asterisk indicating that their appearance on slate mailers was paid for and authorized by each candidate but the candidates did neither; that payments were made in support candidate Bill Horn but attributed to Bill Kolender; and that Mr. Horn was involved in producing and distributing VRG slate mailers.

The FPPC has completed its investigation of the facts in this case. We found that you improperly designated that several candidates' appearance was paid for and authorized by them when in fact they had not. Additionally, we found that you failed to report employer information for three individuals who made payments to VRG in support of candidates.

Your actions violated the Act because VRG sent two slate mailers which designated candidates with an asterisk (*) to indicate that candidates' appearance was paid for and authorized by them. According to the candidates, they did not pay for or authorize their appearance on the slate mailers. In addition, the employer, or if self-employed the name of their business, were not disclosed for Christopher Brown, Tesla Ann Gray, and Bruce Tabb who made payments to VRG in support of candidates totaling \$5,000, \$20,000, and \$10,000, respectively.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

The Act provides that each candidate and each ballot measure that paid to appear in the slate mailer be designated by an asterisk (*) and that any candidate or ballot measure that has not paid to appear in the slate mailer not be designated by an asterisk (*). (Section 84305.5(a)(4).) The Act also provides that for each person other than a candidate or committee who is a source of receipts totaling \$100 or more that the name of their employer, or, if self-employed, the name of their business who is the source of these receipts shall be disclosed on campaign statements. (Section 84219(d).) Only each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an (*), and that for each person other than a candidate or committee who is a source of receipts totaling \$100 or more that the name of employer, or if self-employed, name of the business of the source of receipts shall be disclosed on campaign statements.

You and VRG have no history of violating the Act, and there appears to be have been limited public harm in regarding the abovementioned violations. Therefore, we are closing this case with this Warning Letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Ty D. Moore
Commission Counsel
Enforcement Division